IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.29 OF 2005

Haroon Ibrahim Halai ...Appellant

Vs.

Municipal Corporation of
Greater Mumbai & Anr. ...Respondents

Mr. J.J.Shah for the Appellant

CORAM: A.S.OKA, J.
DATED: JANUARY 18, 2005.

P.C.:

1. This Appeal is preferred by the Appellant-Plaintiff for challenging the order dated 7th February 2004 passed by the Trial Court. By the said order Notice of Motion taken out by the Appellant has been dismissed. In the Notice of Motion the prayer for temporary injunction was to restrain the Respondent-Corporation from taking any action of demolition in respect of suit property.

2. It is not in dispute that after the Appeal was preferred in this Court the suit structure has been demolished. In view of this position, the Appeal has become infructuous.

Appeal is dismissed as infructuous.

3. It is made clear that the Appeal is dismissed only on the ground that it has become infructuous. The observations which are made in the impugned order are tentative observations for limited purpose of considering the prayer for interim relief. Notwithstanding the dismissal of the Appeal, the Appellant is free to take out appropriate proceedings for restoration/reconstruction of the suit structure.

Judge.